IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 15539 of 2003

Between:

Sri U. Subba Rao S/o. Suryachander Rao,
R/o. Koyyalagudem, W.G. District

..... PETITIONER

AND

1 The Managing Director, A.P.S.R.T.Corporation,
Musheerabad, Hyderabad
2 The Regional Manager, APSRT Corporation,
Khammam Region, Khammam
3 The Depot Manager, APSRT Corporation,
Bhadrachalam Depot, Khammam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction in the nature of Mandamus or otherwise declaring the action of the Respondents in not regularising the petitioner's services in the category of Gr.II Conductor under Regulation 17 of the A.P.S.R.T. Employees (Recruitment and Regulations) in conformity with the Circular dated 10-4-1996 (Annexure VI) referred to above is illegal, arbitrary and consequently direct the Respondents to forthwith regularize the services of the petitioners in the said post of Gr.II Conductor in accordance with the aforesaid Circular with effect from the date of his appointment under Annexure III proceedings i.e. 13-2-1997.

Counsel for the Petitioner: MR.T.S.PRAVEEN KUMAR

Counsel for the Respondent Nos.1 to 3: Smt P.Rajani Reddy

The Court made the following:

ORDER:

The petitioner was engaged as a daily wage conductor in APSRTC in the year 1975 and his services were regularized in the year 1977. As he was involved in certain cash and ticket irregularities, he was removed from service. Against which he raised an Industrial Dispute No.109 of 1986 and the same was dismissed. Against which, he filed W.P. No.16188 of 1992 and the same was also dismissed. Aggrieved by the said orders in the writ petition, the petitioner has filed W.A.No.1172 of 1994 and a Division Bench of this Court by an order dated 28-11-1996 disposed of the said writ appeal directing the respondents to appoint him as a fresh recruitee. In compliance of the said order, the petitioner was reinstated into service as a fresh appointee with effect from 13-2-1997. While he was working at Sathupalli, again he involved in cash and ticket irregularities and therefore a punishment was imposed for postponement of regularization for a period of one year.

The learned counsel appearing on behalf of the petitioner submits that even one year period is excluded from the date of his fresh recruitment, he is entitled for regularization after completing the period of 240 days. It is specifically stated that two of his juniors were regularized, who were appointed subsequent to him, ignoring the claim of the petitioner for his regularization. It is stated that the action of the respondents in regularizing the juniors of the petitioner, who have been appointed much subsequent to the date of fresh recruitment of the petitioner, is unsustainable

and without any justification and the same is nothing but victimizing the petitioner.

As the respondents have not specifically denied the averments made by the petitioner in para 8 of the affidavit filed in support of the writ petition that some of the juniors to the petitioner have been regularized, I am of the view that the petitioner is also entitled for regularization of his services.

Having regard to the facts and circumstances of the case, the respondents are directed to regularize the services of the petitioner, if any of his junior who is appointed subsequent to the fresh appointment of the petitioner is regularized, by excluding one year period from the date of his fresh appointment and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this Order.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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6-10-2004

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To

1 The Managing Director, A.P.S.R.T.Corporation,

Musheerabad, Hyderabad

2 The Regional Manager, APSRT Corporation, Khammam Region, Khammam

3 The Depot Manager, APSRT Corporation, Bhadrachalam Depot, Khammam District

4 Two CD copies.